



Petition Number: 1504-SPP-08 & 1504-ODP-09

Subject Site Address: West side of Tomlinson Road, south of 199th Street

Petitioner: Drees Premier Homes by HWC Engineering

Request: Primary Plat and Overall Development Plan review for **Windsor Estates** consisting of 26 single-family lots, and associated waivers.

Current Zoning: SF2: Single-Family Low Density District

Current Land Use: Vacant

Approximate Acreage: 24.5 acres+/-

Exhibits:

1. Department Report
2. Location Map
3. Primary Plat
4. Overall Development Plan

Property History:

0602-REZ-01	Change of Zoning Ordinance 06-19 (04/10/06)
0708-DP-12	Development Plan (withdrawn)
0708-SPP-03	Primary Plat (withdrawn)

Staff Reviewer: Jesse M. Pohlman, Senior Planner

PROCEDURAL

Approval of a Primary Plat and Development Plan must be granted if the submitted plans demonstrate compliance with the terms of the underlying zoning district, subdivision control ordinance and/or applicable PUD District Ordinance, any variances associated with the site, and any commitments associated with the site.

PROJECT OVERVIEW

The 24.5-acre +/- site is located on the west side of Tomlinson Road, south of 199th Street (see **Exhibit 2**), and is currently undeveloped. The request is for approval of a Primary Plat (see **Exhibit 3**) and Overall Development Plan (see **Exhibit 4**) (collectively, the "plans") for a twenty-six (26) lot single-family residential subdivision.

The property is zoned the SF2: Single-Family Low Density ("SF2") District, pursuant to Ordinance No. 06-19, adopted by the Council on April 10, 2006, with commitments. The property was zoned SF2 in 2006 as part of a larger 41.7-acre +/- parcel.

A primary plat and development plan for the overall 41.7 acres +/- was filed in 2007 for 61 single-family residential lots; however, the primary plat and overall development plan were subsequently withdrawn. The 41.7 acres has since been split into the subject 24.5-acre parcel and an adjacent 15.3-acre +/- parcel located along the southwest corner of the property.



The petition was reviewed by the Technical Advisory Committee at its March 24, 2015, meeting. This petition has been properly noticed and is scheduled for a public hearing at the Plan Commission's April 20, 2015, meeting.

Commitments: The Petitioner has also filed a request to modify the commitments (see Petition No. 1505-ZC-01). The modified commitments were introduced at the April 13, 2015, Council meeting, and are also scheduled for a public hearing at the Plan Commission's April 20, 2015, meeting. The review comments herein include the proposed modified commitments.

Subdivision Control Waivers: As further noted herein, the Petitioner is requesting two (2) subdivision control waivers for the following standards:

Article 8.1 Block Standards: The maximum length of a block¹ in a single-family residential Subdivision shall not exceed one thousand two hundred and fifty (1,250) feet; except where an Internal Street or Frontage Road parallels an Expressway or Arterial.

Article 8.9(G)(3)(a) Street and Right-of-Way Standards; Improvement Standards; Cul-de-sac Design; Maximum Length: Maximum Length: 600 feet, measured along the centerline from the intersection at origin to the center of the circle. Where a cul-de-sac extends from another cul-de-sac or dead-end street, the total maximum length of both streets shall not exceed this maximum.

The requested length of the block and cul-de-sac, as measured from the centerline of Tomlinson Road to the center of the cul-de-sac is 1,285 feet.

Pursuant to Article 7.3(C) of the UDO, the Plan Commission, in its discretion, may grant a waiver from standards required by CHAPTER 8: DESIGN STANDARDS of the UDO. Such waiver shall be entered into the minutes of the Plan Commission together with the reasoning for the departure from the required standards. As a condition of granting a waiver, a commitment may be made in accordance with Article 10.6 Commitments of the UDO. A waiver may only be granted upon finding that:

1. The proposed development represents an innovative use of site design, site access design, site circulation design, building orientation, building materials, and landscaping which will enhance the use or value of area properties.
2. The proposed development will not be injurious to the public health, safety, morals or general welfare of the community.
3. The strict application of the Ordinance standard will result in a development of the real estate which is undesirable when compared with the proposed development.
4. The proposed development is consistent with and compatible with other development located in the area.
5. The proposed development is consistent with the intent and purpose of the Comprehensive Plan.

¹ Chapter 12 of the UDO defines "block" as "[a]n area of land bounded by Streets or by a combination of Streets and public land, Rights-of-way, Common Area, railroad rights-of-way, waterways, or any other barrier to the continuity of development."

PRIMARY PLAT STANDARDS (Article 10.12(J) of UDO)

The plans comply except for those items identified as outstanding below:

- 1) Proposed name of subdivision.
- 2) Names and addresses of the owner, owners, land surveyor or land planner.
- 3) Title, scale, north arrow and date.

Comment: Please add north arrow to Overall Map on Sheet C1.0.

- 4) Streets on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, unless extensions of such streets) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree plantings and other pertinent data.

Comment: Please label name of internal street and right-of-way width on Sheet C1.2.

- 5) Easements (locations, widths and purposes). (Article 8.3)

Comment: Please label and add legend for all proposed easements.

- 6) Statement concerning the location and approximate size or capacity of utilities to be installed.
- 7) Layout of Lots (showing dimensions, numbers and square footage). (Article 4.5)
- 8) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes.
- 9) Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is greater than ten percent (10%).
- 10) Tract boundary lines showing dimensions, bearings, angles, and references to section, township and range lines or corners.
- 11) Building setback lines. (Article 4.5)
- 12) Legend and notes.

Comment: Please remove minimum living unit and building height information from the legend on Sheet C1.0.

- 13) Drawing indicating the proposed method of drainage for storm sewers and other surface water drainage.
- 14) Other features or conditions which would affect the subdivision favorable or adversely.
- 15) A National Cooperative Soil Survey Map showing the soil limitations based upon the intended usage of the development land.
- 16) A statement from County departments, State highway departments, or the Public Works Department concerning rights-of-way, road improvements, roadside improvements, roadside drainage, entrances, culvert pipes, and other specifications deemed necessary.



- 17) If private sewage systems, then a statement from the County Health Officer whether private septic system can be used on the property.
- 18) If legal drain is involved, then a statement from the County Drainage Board or County Surveyor's Office concerning easements, right-of-way, permits, etc.
- 19) If floodplain is involved, then a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including floodplain high water marks, etc.

DEVELOPMENT PLAN (Article 10.7(G) of the UDO):

The plans comply except for those items identified as outstanding below:

- 20) Area map insert showing the general location of the site referenced to Streets, section lines and alternative transportation plan system, as well as the Zoning District and use of adjacent property.

Comment: Please label development plan titles as "Overall Development Plan".

- 21) Address and legal description of the property.
- 22) Boundary lines of the property including all dimensions.
- 23) Location, name, centerline and width of all Streets, Private Streets, Alleys, access easements and alternative transportation plan system improvements that are existing or proposed to be located within or adjacent to the property.

Comment: Please identify and label the centerline of Tomlinson Road and label half right-of-way to be dedicated.

- 24) Location, centerline and width (at the Lot Line) measurements of any proposed or existing Driveways within two hundred (200) feet of the property, and any connection to an Alley must be indicated.
- 25) Location and dimensions of primary vehicular ways in and around the proposed development, including depictions of all travel lanes, turning movements, vehicle storage areas and tapers.
- 26) All proposed Street and Driveway improvements, both on and offsite, including measurement of curb radius and/or taper.
- 27) Location and dimensions of existing and proposed sidewalks, pathways, trails or other alternate transportation plan improvements.
- 28) Layout, number, dimension and area (in square feet and acres) of all Lots and Outlots with Building Setback Lines.
- 29) Location and dimensions of all existing structures and paved areas.
- 30) Location and dimensions of all proposed structures and paved areas (indicated by cross-hatching).
- 31) Location of all Floodplain areas within the boundaries of the property.
- 32) Names of legal ditches and streams on or adjacent to the site.



- 33) Location and feasibility statement of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable.
- 34) Identify buildings proposed for demolition.
- 35) Areas of the property reserved for Development Amenities, Open Space and other similar uses.

Comment: Please identify and label Block A accordingly.

- 36) Use of each Lot and/or building by labeling, including approximate density or size of proposed uses and buildings (e.g., number of parking spaces, Dwelling Units, Gross Floor Area, Living Area).

Comment: Please label in general legend accordingly (e.g., site acreage, number of lots, common area acreage).

DEVELOPMENT PLAN REVIEW (Article 10.7(E) of the UDO):

Development Plans shall comply with and be reviewed by the Plan Commission upon finding that the Development Plan is in compliance with the following requirements:

- 37) Compliance with all applicable development and design standards of the Zoning District in which the real estate is located.
- 38) Compliance with all applicable provisions of any Overlay District in which the real estate is located.
- 39) Management of traffic will be in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community such that:
 - a) The design and location of proposed street and highway access points shall minimize safety hazards and congestion.
 - b) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - c) The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent development.
- 40) The applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level of service to meet the needs of the proposed development.

DISTRICT STANDARDS

The plans comply with Article 4.5 (SF2 District), as applicable to a Primary Plat and Overall Development Plan, except for those items identified as outstanding below:

- 41) Minimum Lot Area: 15,000 square feet
- 42) Minimum Lot Frontage: 50 feet

Comment: Block A does not comply.



43) Minimum Building Setback Lines:

- a) Front Yard: 30 feet
- b) Side Yard: 12 feet
- c) Rear Yard: 30 feet

44) Minimum Lot Width: 100 feet

DEVELOPMENT STANDARDS (Chapter 6 of UDO)

The plans comply, as applicable to a Primary Plat and Overall Development Plan, except for those items identified as outstanding below:

45) Architectural Standards (Article 6.3)

- a) Perimeter Lots (Article 6.3(C)(1))

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home, as it applies to Lot 1 and Lot 26.

- b) Streetscape Diversity (Article 6.3(C)(2)). At minimum of two (2) of the following three (3) design objectives shall be met:

Comment: The proposed plan does not incorporate (ii) below. As a result, compliance with (i) and (iii) below will be reviewed by the Department at the time of the building permit review for each individual home.

- i) The front façade of a front-load garage shall be recessed from the Front Building Facade by at least five (5) feet. A rear-load garage or a side-load garage, with a minimum of twenty-five (25) square feet of windows in the Building Facade oriented toward the Street, shall also meet this objective.
- ii) Building Setback Lines shall vary within each Block to eliminate monotonous building placement. Front Yard Building Setback Lines should be staggered to allow a range of six (6) feet offset within the Block and have a minimum variation of two (2) feet increments from adjacent Lots. Staggered Building Setback Lines may not be required to meet this standard where winding streets or a similar development design achieve the same effect.
- iii) Single-Family Dwellings located on adjacent Lots with a Front Lot Line abutting the same Street shall, at the time of the issuance of the Certificate of Occupancy:
 - (1) Be a significantly different front Building Facade (i.e. architectural style, roof lines, window placement, proportion of siding materials) than the adjacent Lot. Minor variations in architectural features or materials (i.e. shutters, door styles, siding patterns) shall not qualify as significantly different if the Dwelling on the adjacent Lot is of a similar floorplan;
 - (2) Have a different primary siding color than the adjacent Lot; and



- (3) Have a different color from the adjacent Lot for at least one (1) of the following exterior elements: Masonry Material, the trim, any accent siding (e.g., board and batten, shake).

c) Building Materials (Article 6.3(C)(3))

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

46) Building Standards (Article 6.4)

47) Landscaping Standards (Article 6.8)

Comment: Please adjust the scale of the landscape plan so the plantings are legible (e.g., 1:50 rather than 1:100). Please revise landscape plan to show plant quantities and existing/proposed easements (see Article 6.8(C)). Remove 'note' in legend. If conflicts exist, then those shall be identified and addressed as part of the Overall Development Plan. Compliance with this Article will be further reviewed and determined upon a resubmitted landscape plan.

a) Detention and Retention Areas

b) Street Trees

Comment: Please confirm there is no conflict with street trees and utility infrastructure and easement locations. Please note Article 6.8(F)(4)(d) and (e).

c) Minimum Lot Landscaping Requirements

Comment: Common Areas comply. Individual Lot landscaping will be reviewed at the time of the building permit review for each individual home.

d) External Street Frontage Landscaping

Comment: The estimated applicable frontage of the development along Tomlinson Road (excluding gap for Windor Estates Court) is 240 feet in length. As a result, the required plantings include 13 shade trees, 18 evergreen trees, 13 ornamental trees and 110 shrubs. It appears that 14 shade trees (not counting street trees), 18 evergreen trees, 10 ornamental trees are proposed. Please revise the landscape plan to provide 110 shrubs and 3 additional ornamental trees.

e) Buffer Yard Requirements

Comment: Please label the zoning on the adjacent properties. The north property line is 2,100 feet +/- in length, which would require 63 evergreen trees, 63 shade trees and 210 shrubs. The south property line abutting AG-SF1 is 1,000 feet +/-, which requires 30 evergreen trees, 30 shade trees and 100 shrubs. Please revise accordingly.

Buffer yard plantings not located within a common area are required to be located within a landscape easement. Please provide and show accordingly on the development plans.

If existing plantings are intended to be credited for required landscaping, then this is the appropriate time to identify those plantings and establish any tree preservation easement that may be appropriate.

48) Lot Standards (Article 6.10)

Comment: Block A does not comply with Article 6.10(C) requiring that “[a]ll Lots shall abut on a Street...”

49) Setback Standards (Article 6.16)

50) Vision Clearance Standards (Article 6.19)

Comment: Please label the sight line triangle on the landscape plan.

51) Yard Standards (Article 6.21)

DESIGN STANDARDS (Chapter 8 of UDO)

The plans comply except for those items identified as outstanding below, that need addressed prior to approval:

52) Block Standards (Article 8.1): The maximum length of a block in a single-family residential Subdivision shall not exceed one thousand two hundred and fifty (1,250) feet; except where an Internal Street or Frontage Road parallels an Expressway or Arterial.

Comment: The Petitioner is requesting a subdivision control waiver to exceed the maximum block length. The proposed length is 1,285 feet, as measured from the centerline of Tomlinson Road to the center of the cul-de-sac.

53) Easement Standards (Article 8.3)

Comment: Please coordinate with the Public Works Department and utility providers. Please see other comments herein; subject to further review and comment.

54) Monument and Marker Standards (Article 8.5)

55) Open Space and Amenity Standards (Article 8.6)

Comment: A minimum of 8 percent (1.96 acres of the overall 24.5 acres) of Open Space is required. Plans comply as the proposed Common Area is estimated at 3.59 acres +/- and all Common Area acreage appears to qualify as Open Space.

a) **Access:** A public way, crosswalk or easement not less than fifteen (15) feet in width shall be provided for access to required Open Space.

b) **Connectivity:** Open Space, where applicable, shall be placed adjacent to or connected to existing or proposed Open Space located within the development and/or on adjoining properties. Open Space should be located within reasonable walking distance to those uses it serves, with the exception of preservation of existing features.

c) **Qualifying Site Features:**

Comment: Please provide on Sheet C2.0 a chart with the acreage of the total site and then acreage for Open Space [or Common Area], including a subset label of “Undevelopable Open Space” [or Common Area] that includes any wetlands, existing third party easements, regulated drains or floodplain that is located in the Open Space [or Common Area] (as the subset acreage

only counts as 50% towards the minimum open space acreage requirement), if relevant. It would be appropriate to merge Sheets 2.0 and L1.0 of the Overall Development Plan if convenient.

- i) A maximum of fifty percent (50%) of required Open Space may come from: wetlands, third party regulated utility easements that existed prior to the development of the property (e.g., gas or oil pipelines, transmission lines), legal drains and equivalent land, as determined by the Plan Commission or Director.
- ii) Detention and Retention Areas may only qualify as Open Space if they comply with Article 6.8 Landscaping Standards and if such areas are located and designed for the use and benefit of the public as an amenity to the development.
- iii) Required Buffer Yards, External Street Frontage landscaping areas, and tree preservation areas, as set forth in Article 6.8 Landscaping Standards, may qualify towards required Open Space if placed within common areas or recorded preservation or conservation easements.

56) Pedestrian Network Standards (Article 8.7)

Comment: Please label width and multi-use path on the Overall Development Plan along Tomlinson Road. Please label width and internal sidewalks.

57) Storm Water Standards (Article 8.8)

58) Street and Right-of-Way Standards (Article 8.9)

Comment: Please label Tomlinson Road centerline, including the dedication of the appropriate 50'-wide half right-of-way (Tomlinson Road is a Collector on the Thoroughfare Plan).

Article 8.9(G)(3)(a) Street and Right-of-Way Standards; Improvement Standards; Cul-de-sac Design; Maximum Length: Maximum Length: 600 feet, measured along the centerline from the intersection at origin to the center of the circle. Where a cul-de-sac extends from another cul-de-sac or dead-end street, the total maximum length of both streets shall not exceed this maximum.

Comment: The Petitioner is requesting a subdivision control waiver to allow a cul-de-sac with a length of 1,285 feet (as measured from the centerline of Tomlinson Road to the center of the cul-de-sac). In the Plan Commission's consideration of the requested waivers, please note that in working with the Department, Public Works Department, and Fire Marshal, that the Petitioner is proposing an enhanced pedestrian path along the real estate's south property line to provide a second ingress/egress for emergency response purposes, as well as pedestrian connectivity. In addition, please note Article 8.9(F)(3) Connectivity of the UDO, which reads:

"Streets shall align and connect with existing or planned streets and provide for connections with adjacent property. Proposed streets, where appropriate, shall be extended to the boundary line of the tract to be developed so as to provide for normal circulation of traffic within the vicinity. Regard shall be given to the Thoroughfare Plan and Comprehensive Plan. Cul-de-sacs are discouraged and shall only be permitted where such street continuation is prevented due to topography or other physical condition, or unless such extension is found by the Plan Commission to be unnecessary for the coordination of development within the development or between the development and adjoining property."



59) Street Light Standards (Article 8.10)

60) Street Sign Standards (Article 8.11)

61) Surety Standards (Article 8.12)

62) Utility Standards (Article 8.13)

COMPLIANCE WITH COMMITMENTS:

On April 10, 2006, the Council approved the change of zoning for the property to the SF2 District, subject to commitments. The Petitioner has filed a request to modify those commitments (see Petition No. 1505-ZC-01), which are scheduled for a public hearing at the Plan Commission's April 20, 2015, meeting. As a result, the proposed modified commitments are listed below, and unless otherwise noted, the plans comply with the Commitments applicable at this stage in the review process.

63) The Developer shall have prepared and recorded covenants and restrictions on the Real Estate (the "Covenants"). The Covenants shall include a requirement that the minimum landscaping per home lot shall include (the sizes listed are the minimum sizes at the time of planting):

- a) All Home Lots:
 - i) Ornamental Tree (2" caliper)
 - ii) (4) Spreading Yew (18")
 - iii) (4) Spreading Juniper (18")
 - iv) (1) Dwarf Burning Bush (24")
 - v) (1) Spreading deciduous plant (3 gallon)
 - vi) (2) Broadleaf evergreen plant (2 gallon)
 - vii) Sod in front yard
- b) All Home Lots with a side load garage shall also include the following:
 - i) Broadleaf evergreen bush 18"
 - ii) (2) Spreading deciduous plant 3 gallon
 - iii) (3) Broadleaf evergreen plant
- c) The Developer shall have the right to make substitutions comparable in quality, size and value when necessary.

Comment: Please submit a draft of the subdivision's covenants and restrictions, which shall include provisions that address this commitment.

64) The existing trees along the Real Estate's northern property lines shall be preserved within a tree conservation easement ("Easement") as depicted in the photographs attached hereto as Exhibit B. Within the Easement, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased or dead, or required to be removed in order to comply with safety or drainage requirements of any utility or governmental agency. If a Protected Tree is damaged or otherwise removed, except as permitted to be removed as listed above, then the developer, builder or

homeowner (as the case may be) shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth in the Easement.

- 65) The common area, as depicted on the Concept Plan attached hereto as Exhibit C, shall contain a "Wetland Conservancy Area" with a minimum of one (1) acre to be maintained by the Real Estate's homeowners' association. The exact location and maintenance standards for the Wetland Conservancy Area shall be established by the Covenants.

Comment: Please label on the plans accordingly. Please submit a draft of the subdivision's covenants and restrictions, which shall include provisions that address this commitment.

- 66) Final construction plans for the Real Estate shall include masonry entry walls substantially similar in character to the photograph attached hereto as Exhibit D.

Comment: Please identify on the landscape plan.

- 67) The maximum number of homes on the Real Estate shall be twenty-six (26).

- 68) The Minimum Living Area (exclusive of porches, basements, and garages) for homes on the Real Estate shall be as follows:

- a) Single Story: 2,400 square feet
- b) Two-Story: 2,690 square feet, with a minimum of 1,250 square feet on the first floor

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- 69) Vinyl and aluminum siding shall be prohibited. The Character Exhibit, attached hereto as Exhibit E, is hereby incorporated as a compilation of images designed to capture the intended quality of structures to be constructed on the Real Estate. Although the exhibits do not necessarily represent the final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are required to be constructed and that contribute to the development's intent and vision. It is not the intent to limit the architectural styles shown in the Character Exhibit, but to encourage diversity in architectural styles of homes on the Real Estate. The City of Westfield Economic and Community Development Department (the "Department") shall determine whether a structure is consistent with the established benchmark and complies with the standards of this Modification and applicable ordinances. The Department's determination may be appealed to the Plan Commission.

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- 70) All homes shall be a minimum two-car garage. A minimum of thirteen (13) of the homes shall be side, courtyard or rear loaded, as lot configuration and home footprint dictate.

Comment: This will be reviewed for compliance by the Department at the time of the building permit review for each individual home.

- 71) A visual tree inventory will be made with photographs of the trees along the perimeter of the Real Estate to identify the quantity and quality of trees to be preserved. Such inventory shall be provided as part the Real Estate's Overall Development Plan and Primary Plat applications to the Department.



Comment: Please identify on the landscape plan.

DEPARTMENT COMMENTS

- 72) No action is required at this time except to hold the public hearing.
- 73) Prior to the final deposition, the Petitioner will make any necessary revisions to the plans, as noted in this report. The Department will confirm compliance prior to this item being placed on the next Plan Commission agenda for approval consideration.
- 74) If any Plan Commission member has questions prior to the public hearing, then please contact Jesse Pohlman at 317.402.4380 or jpohlman@westfield.in.gov.